IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 587 OF 2006

Mrs. Marcelina Oliveira
Widow of Lourence de Oliveira
72 years of age,
R/o Gaunchem Bhatt, Merces,
Ilhas Goa. ... Petitioner

versus

1. Mrs. Francisca Esteves
   R/o Gaunchem Bhatt,
   Merces, Ilhas Goa.

2. Block Development Officer
   Tiswadi Taluka,
   Panaji Goa.

3. Village Panchayat Merces,
   Through its Secretary/Sarpanch
   Merces, Tiswadi Goa.

4. Director of Panchayat
   Junta House,
   Panaji Goa.

5. Dy. Director of Panchayat
   Junta House,
   Panaji Goa.

6. Shri Girish P. Uskaikar
   Ward Panch of no.3
   Acting Sarpanch of
   Village Panchayat Merces,
   Merces Ilhas Goa. ... Respondents

Mr. E. Dias, Advocate for the Petitioner.

Mr. T. George John, Advocate for the Respondent No.1.

Mr. S. R. Rivonkar, Government Advocate for the Respondent Nos.2, 4 and 5.

Mr. A. D. Bhobe, Advocate for the Respondent Nos.3 and 6.

CORAM : S. A. BOBDE &
N. A. BRITTO, JJ.

DATE : 2ND APRIL, 2007.

ORAL JUDGMENT

Rule, returnable forthwith.

2. Heard by consent.

3. The Petitioner's grievance is that the Respondent No.3 has not carried out demolition in terms of the Demolition Order dated 24-5-2006 by which the Respondent No.1 was directed to remove the illegal construction which he had made without a set back. The Demolition Order was notified by the Sarpanch of Merces Village Panchayat and communicated to the Respondent No.1.

4. Surprisingly, on 7-7-2006 the acting Sarpanch has communicated another Order to the Petitioner's husband stating that the Show Cause Notice issued to the Respondent No.1 is wrong since the Respondent No.1 has not done any illegal activities and the correct name of the person who has done the illegal construction is not mentioned. Therefore, the Show Cause Notice served

on the Respondent No.1 should be revoked with immediate effect.

5. It is admitted by the learned Counsel for the Respondent No.1 and the Respondent No.2 that there is no power to review an Order once made.

6. Moreover, we find from the subsequent Order that it even purports to withdraw the Show Cause Notice issued to the Respondent No.1 after the proceedings concluded. We are satisfied that the Order dated 7-7-2006 withdrawing the Show Cause Notice is totally without authority of law, arbitrary and pernicious and cannot be allowed to stand. It is therefore set aside. The Respondents are directed to comply with the Demolition Order dated 24-5-2006.

7. The Respondent No.1 shall however be at liberty to take such appropriate steps as may be advised in case of the Demolition Order or in respect of the illegal construction. If no such steps are taken by the Respondents within thirty days from today the Respondents are directed to execute the Demolition Order immediately on the expiry of the said period.

8. Rule disposed of.

S. A. BOBDE, J.

N. A. BRITTO, J.

RD